

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LAMONT PUGH,)	
)	Civil Action No. 11 - 143
Plaintiff,)	
)	District Judge Arthur J. Schwab
v.)	
)	
LOUIS FOLINO; <i>ET AL.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated on February 3, 2011, and was referred to a united states magistrate judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the local rules of court.

On December 8, 2011, the Magistrate Judge filed a Report and Recommendation (ECF No. 12) recommending that Defendants' Motion to Dismiss (ECF No. 2) be granted and that Plaintiff's Motion to Appoint Counsel be denied as moot. Plaintiff filed Objections to the Report and Recommendation on December 30, 2011 (ECF No. 14). Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 5th day of January, 2012;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (ECF No. 2) is **GRANTED** and it would be futile to allow Plaintiff the opportunity to amend his complaint.

IT IS FURTHER ORDERED that Plaintiff's Motion to Appoint Counsel (ECF No. 9) is **DENIED** as moot.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF. No. 12) dated December 8, 2011, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

Lamont Pugh, BG-9048
SCI Dallas
Follies Road, Drawer K
Dallas, PA 18612-0286